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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,093	04/01/2004	Derek Wyatt	3084.EEM	9478
7590 08/19/2008				
JANE E. GENNARO National Starch and Chemical 10 Funderne Avenue Bridgewater, NJ 08807			EXAMINER PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1794	
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			08/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,093

Applicant(s)

WYATT, DEREK

Examiner

MARC A. PATTERSON

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 6/20/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 103(a) rejection of Claims 14-16 as being unpatentable over Hull et al (WO 91/01711 A1) in view of Okamoto et al (JP 08-057051 A), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections – 35 USC § 103(a)

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelich et al. (U.S. Patent No. 6,579,537 B2) in view of Ota et al (U.S. Patent Publication No. 2003/0055179).

With regard to Claims 14, Seelich et al disclose a syringe, therefore a container, filled with an adhesive, which is frozen and thawed before use (column 12, lines 45 – 53); Seelich et al therefore disclose a method consisting essentially of filling a container with adhesive, freezing the adhesive within the container and thawing the adhesive; Seelich et al do not disclose an adhesive that is cured; the claimed aspect of the adhesive being uncured therefore reads on Seelich et al. Seelich et al fail to disclose a container having a flexural modulus of less than or equal to 1240 MPa and a thickness of 0.0254 mm to 0.762 mm.

Ota et al teach a syringe (paragraph 1317) having a flexural modulus of less than or equal to 1240 MPa (paragraph 2691) and a thickness of 0.0254 mm to 0.762 mm (paragraph 1311) for the purpose of obtaining a syringe that has a good balance of transparency and heat resistance (paragraph 0015). One of ordinary skill in the art would therefore have recognized the advantage of providing for the adhesive of Ota et al in Seelich et al, which comprises a syringe, depending on the desired properties of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a flexural modulus of less than or equal to 1240 MPa and a thickness of 0.0254 mm to 0.762 mm in Seelich et al in order to obtain a good balance of transparency and heat resistance as taught by Ota et al. Seelich et al would therefore disclose a method for reducing freeze / thaw voids in uncured adhesive consisting essentially of providing the container, filling the container with the adhesive, and freezing and thawing the adhesive.

With regard to Claim 15, the material taught by Ota et al comprises polyethylene (paragraph 0120).

With regard to Claim 16, because Ota et al teach a syringe comprising a liquid, it would have been obvious for one of ordinary skill in the art to provide a rigid sleeve, for the purpose of preventing bending of the syringe and subsequent loss of liquid.

ANSWERS TO APPLICANT'S ARGUMENTS

- Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 14-16 as being unpatentable over Hull et al (WO 91/01711 A1) in view of Okamoto et al (JP 08-057051 A), of

record in the previous Action, have been considered and have been found to be persuasive. The rejection is therefore withdrawn. The new rejection above is directed to amended Claims 14 – 16.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1794